

GENERAL ADMINISTRATION DEPARTMENT

Mantralaya, Bombay 400 032, dated the 15th November 1985

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CONSTITUTION OF INDIA.

No. CDR. 1184/1380/27/XI.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Maharashtra is hereby pleased to make the following rules further to amend the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, namely :—

1. These rules may be called the Maharashtra Civil Services (Discipline and Appeal) (Amendment) Rules, 1985.

2. In rule 9 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 (hereinafter referred to as "the said rules"), for sub-rule (4), the following sub-rule shall be substituted, namely :—

"(4) If the disciplinary authority, having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry, is of the opinion that any of the penalties specified in clauses (v) to (ix) of sub-rule (1) of rule 5, should be imposed on the Government servant, it shall make an order imposing such penalty and it shall not be necessary to give the Government servant any opportunity of making representation on the penalty proposed to be imposed :

Provided that, in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the disciplinary authority to the Commission for its advice, and such advice shall be taken into consideration before making an order imposing any such penalty on the Government servant."

3. In the said rules, in Part VI, for the heading "REVIEW", the following heading shall be substituted, namely :—

"REVISION AND REVIEW."

4. In rule 25 of the said rules,—

(a) in the marginal note, for the word "Review", the word "Revision" shall be substituted ;

(b) in sub-rule (1),—

(i) for the word "review" the word "revise" shall be substituted ;

(ii) in the first proviso, for the words "reviewing authority", the words "revising authority" and for the words "to be reviewed" the words "to be revised" shall be substituted ;

(iii) in the second proviso, for the words "power of review", the words "power of revision" shall be substituted ;

(c) in sub-rule (2), for the word "review" the word "revision" shall be substituted ;

(d) in sub-rule (3), for the word "review", wherever it occurs, the word "revision" shall be substituted.

IV-A (5-12-85)

5. After rule 25 of the said rules, the following rule shall be inserted, namely :—

“25A. *Review.*—The Governor may, at any time, either on his own motion or otherwise, review any order passed under these rules, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come or has been brought, to his notice :

Provided that, no order imposing or enhancing any penalty shall be made by the Governor unless the Government servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed, or where it is proposed to impose any of the major penalties specified in rule 5 or to enhance the minor penalty imposed by the order sought to be reviewed to any of the major penalties and if an inquiry under rule 8 has not already been held in the case, no such penalty shall be imposed except after an inquiry in the manner laid down in rule 8, subject to the provision of rule 13, and except after consultation with the Commission where such consultation is necessary.”.

By order and in the name of the Governor of Maharashtra,

M. S. MOKASHI,

Deputy Secretary to Government.

No. CDR. 1184/1380/27/XI.

GENERAL ADMINISTRATION DEPARTMENT,
Mantralaya, Bombay 400 032,

Dated the 15th November 1985.

Copy forwarded with compliments for information to:—

The Secretary to the Governor,
The Secretary to the Chief Minister,
The Special Officer, Departmental Enquiries, Konkan Vibhag, Bombay,
The Special Officer, Departmental Enquiries, Pune and Nashik Vibhag,
Pune,
The Special Officer, Departmental Enquiries, Nagpur, Amravati and
Aurangabad Vibhag, Nagpur,
All other Heads of Departments and Heads of Offices under the several
Departments of the Mantralaya,
The General Administration Department (Desks VIII, XIX, XX,
XXXI and XXXIV),
All Other Departments of the Mantralaya,
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MEENA KARANDE,

Under Secretary to Government.